



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06/719,507	04/03/85	REIFFIN	M

MARTIN G. REIFFIN
9262 ROYAL PALM BLVD.
GARDEN GROVE, CA 92641

EXAMINER	
LEE, T	
ART UNIT	PAPER NUMBER
232	1718

DATE MAILED: 03/09/88

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 10/13/87 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 26-50 are pending in the application.
Of the above, claims are withdrawn from consideration.
2. ☒ Claims 1-25 have been cancelled.
3. ☐ Claims are allowed.
4. ☒ Claims 26-50 are rejected.
5. ☐ Claims are objected to.
6. ☐ Claims are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on . These drawings are ☐ acceptable;
☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on .
has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed , has been ☐ approved. ☐ disapproved (see explanation). However,
the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are
corrected. Corrections **MUST** be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO
EFFECT DRAWING CHANGES", PTO-1474.
12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. ; filed on .
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in
accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

1 Claims 26 - 50 are presented for examination.

2 In accordance to the decision, paper no. 16, based upon the
petition filed on 10/13/1987, the last office action, paper no.
14, is hereby vacated.

3 The following is a quotation of the first paragraph of 35
U.S.C. 112:

"The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention."

The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to adequately teach how to make and use the invention, i.e. failing to provide an enabling disclosure.

4 Applicant fails to adequately disclose a buffer for storing character codes. Specifically, applicant fails to disclose a prior art buffer or one of his own design which stores character codes originated from an interrupt means.

5 The examiner contends that it would require undue experimentation for one of ordinary skill in the art to make and use of the claimed invention for the reason set forth hereinabove. Applicant is reminded that no new matter is allowed in the amendment to the specification under 35 U.S.C. 132 and 37 CFR 1.118(a).

6 In the amendment filed on 6/12/1987, applicant asserted that "(t)he limitation "buffer" remains and is readable upon the "received data register of the UART disclosed in line 28 of page 10 of the specification" (emphasis added). The examiner respectfully traverses applicant's assertion. More particularly, "a byte of data has been received and is available in the UART received data register" (page 11 lines 25 - 26) and "the UART receives a byte from the CRT CONSOLE" (page 11 lines 28-29) clearly indicate that only one byte of code, not codes, can be stored in the received data register (the claimed buffer). On the

other hand, figs. 2 of the drawings clearly shows that no codes can be written from an interrupt means into the received data register of the UART. Therefore, the received data register of the UART can not be the claimed buffer, as asserted by applicant. There is no disclosure of a buffer which stores codes originated from an interrupt means.

7 Claims 26 - 50 are rejected under 35 U.S.C. 112, first paragraph, for the reasons set forth in the objection to the specification.

8 The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

"A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

9 Claims 16 - 30, 32-36, 38-41, and 43 - 45 are rejected under 35 U.S.C. 103 as being unpatentable over Lawrence et al. and Capek et al.

Lawrence et al. and Capek were cited as the prior art references in the last office action and its relevant teachings are incorporated by reference as set forth therein.

10 Lawrence et al. disclose the invention substantially the same as claimed, comprising a central processing unit (microprocessor 26), a keyboard with a plurality of keys (KB1), a memory for storing the entered code (text stream buffer 36), a compiler means (interpreter/formatter), and an editor 10. The compiler means (interpreter/formatter) performs scanning,

parsing, and translating on the entered source code. More particularly, col. 10 lines 35 - col. 12 lines 57 describes the details of the functions performed by the interpreter/formatter and its interaction with the editor 10. Fig. 3 of the reference shows the data flow of the interpreter/formatter. Specifically, the interpreter/formatter scans the entered source code 2, parses the scanned codes to pick up the different commands and the text symbols, and translates the text symbols. Col. 12 lines 3 - 16 describes the details of the operation performs by the interpreter/formatter on the entered source code 2 depicted in fig. 3 of the reference. "The interpreter access each character in turn" is clearly the function of scanning, col. 12 line 3. "A tab character will cause, If an extended formatting command is encountered, it is", col. 12 lines 8 - 16, clearly indicates that the interpreter/formatter is parsing the entered code. Furthermore, "in the case of text symbols, translates", col. 12 line 4, indicates that the interpreter/formatter is performing translation on the source code.

11 During the formatting operation, an interpreter/formatter normally has the control of the system. Upon the activation of a keystroke, the interpreter/formatter is interrupted and the control of the system is passed to the editor. After the editor has completed the entry of the code byte, the system control is returned to the interpreter/formatter. Col. 13 lines 23 - 29 and col. 14 lines 14 - 18 and lines 26 - 30 clearly defines the interaction between the editor and the interpreter/formatter. Specifically, when the interpreter/formatter has control of the system in performing its functions, editing means includes means to "interrupt said formatting means" upon receipt of a "keystroke from said keyboard" invoking said editing means to "perform a text editing operation", col. 14 lines 26 - 30. Thereafter, means in said editing means for "invoking said formatting means" when a text editing step has been completed, col. 14 lines 15 - 17.

Furthermore, the editing means performs its editing function on a keystroke-by-keystroke basis, col. 13 line 29. In other words, the control of the system is passed back to the interpreter/formatter from the editor after each of the keystroke. Also see col. 11 lines 51 - 59 and col. 12 lines 50 - 53. In addition, col. 7 lines 16 - 28 shows the priorities of the different system functions. Within level 3, the highest priority starts from keystroke processing, to text editing, to interpreting. This priority scheme reinforces the interaction between the interpreter/formatter and the editor discussed hereinabove.

12 Lawrence et al. do not teach a computer system which includes a buffer for temporarily storing data entered through the keyboard. Capek et al. teach a computer which includes a buffer for temporary storing data entered through the keyboard, see page 90 lines 8 - 13. It would have been obvious to one of ordinary skill in the art to incorporate the teachings of Capek et al. into Lawrence et al. system because, as the claimed invention, Lawrence et al. teach a general purpose computer system which exchanges control between the interpreter/formatter and an editor and Capek et al. teach a computer with a buffer for temporarily storing data entered through the keyboard whereby Capek et al. buffer could be incorporated into Lawrence et al. system thereby increasing its versatility.

13 Applicant's arguments with respect to claims 26-30, 32-36, 38-41, 43-45 have been considered but are deemed to be moot in view of the new grounds of rejection.

14 In regarding to applicant's assertion that the Lawrence patent is non enabling, the court says that "when PTO cited a disclosure which expressly anticipated the present invention, the burden was shifted to the applicant. He has to rebut the presumption of operability of (the cited prior art patent) by a preponderance of evidence". In re Sasse et al, 207 USPQ 107,111

(CCPA 1980). Within the context of Sasse, the meaning of "operability" is equivalent to enablement. In the instant case, applicant has not rebutted the presumption of the operability of Lawrence et al. by a preponderance of evidence. Therefore, it is the examiner's position that the disclosure of Lawrence et al. reference does provide an enabling disclosure for the function relied upon by the examiner in the rejection set forth hereinabove.

14 Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.


A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

15 The deleting of the limitation "look-ahead" from the claims necessitates the recitation of new reference to Capek et al. Specifically, the amended claims are not entitled to the filing date of the parent application, i.e. 9/28/1982 thereby removing Norton as a prior art reference. It is noted that Capek et al. has a publication of 6/1982 which is before the filing date of the parent application.

16 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Lee whose telephone number is (703) - 557 - 2044.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) - 557 2878.


Thomas C. Lee


RAULFE B. ZACHE
PRIMARY EXAMINER
ART UNIT 232